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5 Attorneys for Secured Creditor
6 U.S. Bank Trust National Association as trustee of LODGE SERIES IV TRUST, its successors
and assigns

7 UNITED STATES BANKRUPTCY COURT
8
9 DISTRICT OF NEVADA – LAS VEGAS DIVISION

10 In re:) CASE NO.: 19-11231-abl
11)
12 JACKIE BUSTIOS,) Chapter 13
13)
14) OBJECTION TO CONFIRMATION OF
15) DEBTORS' CHAPTER PLAN
16)
17) Hearing Date: September 24, ,2020
18)
19) Hearing Time: 1:30 p.m.
20)
21)
22)
23)
24)

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

17 TO THE HONORABLE JUDGE AUGUST B. LANDIS, UNITED STATES
18 BANKRUPTCY JUDGE, THE DEBTOR, AND THE CHAPTER 13 TRUSTEE, KATHLEEN
19 A. LEAVITT:

20 U.S. Bank Trust National Association as trustee of LODGE SERIES IV TRUST,
21 (“**Creditor**”), a secured creditor of the above-named Debtors hereby objects to the confirmation
22 of Debtor’s Chapter 13 Plan (the “**Plan**”).
23
24

1 Secured Creditor holds a Promissory Note which is secured by a Deed of Trust on the
2 subject property commonly known as 3627 Dutch Valley Dr., Las Vegas, Nevada 89147
3 (“Property”).

4 As of the filing of the bankruptcy case the total secured claim was \$283,130.87 with pre-
5 petition arrearages in the amount of \$46,330.45, as described in Proof of Claim number 9-1.
6 Secured Creditor files this Objection to protect its interests.

7 Application of the provisions of *11 United States Code Section 1325* determines when a
8 Plan shall be confirmed by the Court. Under 11 U.S.C. §1325, the provisions for plan
9 confirmation in a Chapter 13 have been set. Unless otherwise ordered, under 11 U.S.C. §
10 1326(a)(1), the Debtor shall commence making the payments proposed by the Plan within 30
11 days after the Petition is filed. The Plan must comply with all applicable provisions of 11 U.S.C.
12 § 1325 to be confirmed.

13 Secured Creditor objects to the proposed Plan as not setting forth a reasonable schedule
14 and time period for the payment of Secured Creditor’s claim. Debtors state in their Chapter 13
15 Plan (“Plan”) that the pre-petition arrears owed to Secured Creditor are \$41,230.74. However, as
16 of March 4, 2019, the date that the instant bankruptcy was filed, the amount in default was
17 \$46,330.45. The payoff period and monthly repayment amount proposed by the Debtor exceeds
18 a reasonable arrangement in light of Debtor’s past non-payment history and the stipulation
19 entered into by the parties.

20 Per Section 2.6, Debtor intends to fund the Plan by Refinancing the Property in April
21 2023 for the amount of \$52,616.00. The Plan is premised upon a future refinancing of the
22 Subject Property which is not guaranteed. Also, the Plan fails to provide for an alternative plan
23 of action should a refinance not be possible.
24

1 WHEREFORE, Creditor objects to confirmation of the Plan and requests as follows:

2 a. The Plan be denied confirmation and the case be dismissed.

3 DATED: September 9, 2020

GHIDOTTI BERGER, LLP

4 By: /s/ Allison Schmidt, Esq.

Allison Schmidt, Esq.

5 Attorney for Creditor

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U.S. Bank Trust National Association as trustee of LODGE SERIES IV TRUST, its successors
and assigns

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA – LAS VEGAS DIVISION

In Re:)	CASE NO.: 19-11231-abl
)	
JACKIE BUSTIOS,)	CHAPTER 13
)	
Debtor.)	CERTIFICATE OF SERVICE
)	
)	
)	Hearing Date: September 24, ,2020
)	
)	Hearing Time: 1:30 p.m.
)	
)	
)	
)	

CERTIFICATE OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of
eighteen and not a party to the within action. My business address is: 1920 Old Tustin Ave.,
Santa Ana, CA 92705.

I am readily familiar with the business's practice for collection and processing of
correspondence for mailing with the United States Postal Service; such correspondence would
be deposited with the United States Postal Service the same day of deposit in the ordinary
course of business.

On September 09, 2020 I served the following documents described as:

- OBJECTIONS TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

on the interested parties in this action by placing a true and correct copy thereof in a sealed envelope addressed as follows:

(Via United States Mail)

Debtor: Jackie Bustios 3627 Dutch Valley Drive Las Vegas, NV 89147 Debtor's Counsel George Haines Freedom Law Firm, LLC 8985 S. Eastern Ave., Ste 350 Las Vegas, NV 89123 Debtors Counsel: David Krieger Krieger Law Group, LLC 2850 W. Horizon Ridge Blvd, Ste 200 Henderson, NV 89052	Chapter 13 Trustee: Kathleen A. Leavitt 711 South 4 th St Suite #101 Las Vegas, NV 89101
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xx (By First Class Mail) At my business address, I placed such envelope for deposit with the United States Postal Service by placing them for collection and mailing on that date following ordinary business practices.

 Via Electronic Mail pursuant to the requirements of the Local Bankruptcy Rules of the Eastern District of California

xx (Federal) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 09, 2020 at Santa Ana, California

/s/ Ana Palacios
 Ana Palacios